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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,223

11/21/2005

Marek Strassenburg-Kleciak

11336/788 (P03122US)

9718

81165 7590 11/07/2008

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EXAMINER

SAJOUS, WESNER

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

11/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/519,223	STRASSENBURG-KLECIK ET AL.	
	Examiner	Art Unit	
	Sajous Wesner	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 and 51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-49 and 51 is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/18/08, 12/13/07, 11/13/07 & 12/24/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

This communication is responsive to the amendment and response dated 8/22/08. Claims 1-49 and 51 are presented for examination.

Response to Arguments

1. Applicant's arguments with respect to claims 1-51 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-26 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims do not positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Allowable Subject Matter

3. Claims 1-26 would be allowable if amended to overcome the 101 rejections set forth above.

Claims 27-28, 33-34, 37-43, 49, and 51 are allowed for reasons indicated in the previous communication, namely by incorporating the limitations of previously objected claims into their base claims. Claims 29, 44, and 49 are allowed because the prior art fail to teach a texturing system for developing a surface of an electronic representation of an comprising object a library component operable in the computer, where the library component includes a source texture having a unique identifier; and a graphical user interface component in communication with the library component, where the graphical user interface component is operable to capture a plurality of transformation operations applied by a user of the computer to the source texture to transform the source texture to form at least part of a complex texture, the graphical user interface component further operable to develop and store a transformation_n procedure comprising the captured transformation operations, where the stored transformation procedure can be associated with a surface of an electronic representation of an object to provide texturization of the surface when the electronic representation is displayed by retrieval and execution of the stored transformation procedure (as recited in claim 29); an electronic representation of an object stored in the memory device; instructions stored in the memory device to select a source texture; instructions stored in the memory device to perform a transformation procedure to form a complex texture with the source texture;

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instructions stored in the memory device to capture and store the transformation procedure as executable instructions; and instructions stored in the memory device to access and execute the stored transformation procedure to apply the complex texture to a surface of the electronic representation when the electronic representation is displayed (as recited in claim 44); instructions stored in the memory device to perform a transformation procedure to form a complex texture with the source texture; instructions stored in the memory device to apply the complex texture to a surface of the electronic representation; and instructions stored in the memory device to save the complex texture as a source texture (as recited in claim 49).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-7791. The examiner can normally be reached on M-F 9:15-6:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sajous Wesner/
Primary Examiner, Art Unit 2628

WS
10/31/08